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101ST CONGRESS
2d Session

SENATE

REPORT
101-365

FOR THE RELIEF OF CONWELL F. ROBINSON AND GERALD R. ROBINSON

JULY 13 (legislative day, JULY 10), 1990.—Ordered to be printed

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Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 2606]

The Committee on Energy and Natural Resources to which was referred the bill (S. 2606) for the relief of Conwell F. Robinson and Gerald R. Robinson, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

The purpose of S. 2606, as ordered reported, is to direct the Secretary of the Interior to grant a right of use and occupancy to Conwell F. Robinson and Gerald R. Robinson for certain lands in Glacier National Park.

BACKGROUND AND NEED

The lands in question are located in Glacier National Park, Montana, and are part of a 130 acre tract acquired by the U.S. from the Robinsons through a condemnation proceeding in 1967. No use and occupancy right was reserved at that time although as part of the court settlement, a 5 year special use permit (with a limited right of renewal) was issued to the Robinsons to occupy the structures and 3 acres of land. Several permit extensions have been issued over the years. It is this three acre parcel which is the subject of S. 2606.

In 1987, the National Park Service notified the Robinsons that the permit would no longer be extended and that they were to remove their personal belongings from the cabin. After receiving no response, the National Park Service "secured" the cabin in Oc-

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tober of 1987, denying the Robinsons further access. After the introduction of legislation similar to S. 2606 in November 1987, the Park Service agreed to take no further action against the Robinsons until the intent of Congress is clarified.

At the Subcommittee hearing conducted two years ago, both the National Park Service and the Robinsons presented their cases, including voluminous materials for the record in support of their respective positions. In short, the National Park Service believed that it acted in a responsible and legal manner relying on what is believed to be accurate information and a thorough understanding of the situation at the time of the acquisition in 1967.

On the other hand, the Robinsons contended that the Park Service, during the acquisition proceeding, mistakenly dealt with a minority owner in the property who neither represented nor had control over the majority owners; that the Park Service did not need the property; and that there was no threat of development or incompatible use.

The facts in this case are complex and span 80 years (the Robinson's maternal grandparents homesteaded that tract in 1908). To complicate matters even more, the two parties to the dispute do not agree on many of the key facts at issue.

As was the case in the 100th Congress, the Committee has agreed to report S. 2606, not because it has determined who was right or wrong, but because it wishes to end their longstanding and bitter dispute. The Robinsons are in their 70's and wish to occupy the structures and the surrounding lands for the remainder of their lives. The Committee recognizes the 20 year legal and administrative struggle which preceded this legislation and does not intend that this bill be viewed as a precedent for how the Committee might deal with other situations in Glacier National Park or other units of the National Park System.

SUMMARY OF THE MEASURE

S. 2606 directs the Secretary of the Interior to grant a right of use and occupancy to Conwell F. and Gerald R. Robinson for approximately 3 acres of land in Glacier National Park. The term of such use and occupancy is to expire on the date of the death of Conwell or Gerald Robinson, whichever is later. The conveyance is to be made pursuant to certain conditions, including the payment by the Robinsons of an administrative fee of $941.13.

LEGISLATIVE HISTORY

S. 2606 was introduced by Senators Burns and Baucus on May 10, 1990. No hearing has been held on this measure in this Congress. A hearing was held on a similar measure last Congress, S. 1849. That bill was reported unanimously by the Committee and passed by the Senate by unanimous consent. No action was taken by the House.

At the business meeting on June 27, 1990, the Senate favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on June 27, 1990, by a unanimous vote of a quorum present, recommends that the Senate pass S. 2606 as described herein.

The rollcall vote on reporting the measure was 19 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers*	
Mr. Ford	
Mr. Bradley	
Mr. Bingaman*	
Mr. Wirth	
Mr. Conrad	
Mr. Heflin	
Mr. Rockefeller*	
Mr. Akaka*	
Mr. McClure	
Mr. Hatfield*	
Mr. Domenici*	
Mr. Wallop	
Mr. Murkowski*	
Mr. Nickles*	
Mr. Burns	
Mr. Garn	
Mr. McConnell	

* Indicates voted by proxy.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 2606. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact of personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 2606, as reported.

EXECUTIVE COMMUNICATIONS

On June 28, 1990, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth executive views on S. 2606. These reports had not been received at the time the report on S. 2606 was filed. When the reports become

available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 2606, as reported.

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